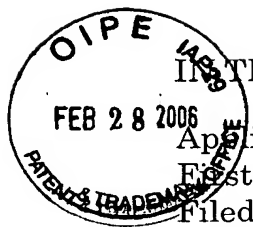


AF/STW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/729,373 Confirmation No. : 8145  
First Named Inventor : Markus BEYLICH  
Filed : December 8, 2003  
TC/A.U. : 3748  
Examiner : B. Q. Tran  
  
Docket No. : 037141.53041US  
Customer No. : 23911

Title : Method and Apparatus for Controlling a Secondary Air Stream in a Combustion Engine

**REPLY TO FINAL OFFICE ACTION**

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria , VA 22313-1450

Sir:

Responsive to the Final Office Action mailed November 30, 2005 in the above application, reconsideration of claims 1-5 is respectfully requested in view of the following remarks.

The rejection of Claims 1-5 under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter not described in the specification is respectfully traversed.

The feature of sensing the continuous position or continuous mechanical displacement of the accelerator pedal is disclosed, *inter alia*, in paragraphs 6 and 12 of the specification. Specifically, paragraph 12 discloses drive-by-wire control systems and electronic signaling of the accelerator pedal position. One having ordinary skill in the art understands that accelerator pedal position information that is used in drive-by-wire control systems cannot be binary (i.e., pedal depressed or pedal not depressed) sensory information, but instead in this context must be a sensed continuous position of the accelerator pedal. Such continuous position sensing enables near real-time control of the secondary air stream, as disclosed in paragraph 6. Because a person of ordinary skill in the art would recognize that sensing a continuous position of the accelerator pedal is